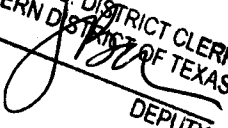


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

FILED
FEB 14 2018
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

George Otta Carl Riley,
Plaintiff,

VS.

NANCY A. BERRYHILL,
Commissioner of Social Security,
Defendant.

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CIVIL NO. W-17-CA-265-RP-JCM

ORDER

Before the Court is Plaintiff's Motion for Service. *See* ECF No. 9. The Court, having considered this application, finds that the following order should issue. Accordingly, it is

ORDERED that the Plaintiff's Motion is **GRANTED**. The Clerk of the Court has previously issued service of summons to Plaintiff, and Plaintiff has attempted to serve the defendant without assistance. However, service upon a government agency is complex, and Plaintiff's attempts at service do not comply with the strict requirements of Federal Rule of Civil Procedure 4(i). In the interest of justice and judicial efficiency, the Clerk of the Court is directed to issue summons on Plaintiff's behalf, directing service to the requisite recipients. It is further

ORDERED that, pursuant to Rule 4(c)(2) of the Federal Rules of Civil Procedure, the United States Marshal shall serve a copy of the complaint, summons, and this Order upon each person required to be served under Rule 4(i) of the Federal Rules of Civil Procedure.

Upon the filing of Defendant's answer and certified copy of the transcript of the administrative proceedings, it is hereby **ORDERED** that counsel for the parties submit briefs in accordance with the following requirements:

1. Within 30 days after Defendant timely files his answer, Plaintiff shall serve, file and submit to the Magistrate Judge a brief setting forth all errors which the Plaintiff contends entitle the Plaintiff to relief. The brief shall contain under the appropriate headings and in the order here indicated:
 - a. A statement of the case. This statement should indicate briefly the course of the proceeding and its disposition at the administrative level, and should set forth a general statement of the facts. This statement of the facts shall include plaintiff's age, education and work experience; a summary of physical and mental impairments alleged; a brief outline of the medical evidence; and a brief summary of other evidence of record. Each statement of fact shall be supported by reference to the page in the record where the evidence may be found.
 - b. A statement of the exact issues presented for review, set forth in separate numbered paragraphs.
 - c. An argument. The argument may be preceded by a summary. The argument shall be divided into sections, each section separately treating each issue, numbered to correspond with the statement of issues. The argument must set forth the plaintiff's contentions with respect to the issues presented and reasons therefor. Each contention must be supported by specific reference to the portion of the record relied upon and by citations to statutes, regulations, and cases which support the plaintiff's position. Cases from other districts and circuits should be cited only in conjunction with relevant cases from this jurisdiction or if authority on point from this jurisdiction does not exist. Citations to unreported district court opinions must be accompanied by a copy of the opinion. If the plaintiff has moved for remand to the Commissioner for further proceedings, the argument in support of remand must set forth good cause for remand. Furthermore, if the remand is for the purpose of taking additional evidence, such evidence must be attached to the brief, or, if such evidence is in the form of a consultative examination sought at government expense, the plaintiff must make a proffer of the nature of the evidence anticipated to be obtained.
 - d. A short conclusion stating the relief sought.
2. Within 30 days after service of Plaintiff's brief, the Defendant shall serve, file and submit to the Magistrate Judge a brief which responds, specifically, to each issue raised by Plaintiff. The Defendant's brief shall conform to the requirements set forth above for the Plaintiff's brief, except that a statement of the issues and a statement of the case need not be

made unless the Defendant is dissatisfied with the Plaintiff's statement thereof.

3. The Plaintiff may serve, file and submit to the Magistrate Judge a brief in reply to the brief of the Defendant within ten (10) days after service on the Plaintiff of the Defendant's brief.
4. Unless the Court requests oral argument, all motions will be determined on the moving papers and the record of proceedings before the Commissioner.
5. In the event no motions are made, the Court will submit a report and recommendation after the above time limits have expired on the basis of the complaint and answer and the record of proceedings before the Commissioner.
6. Extensions of the above time limits shall be requested by appropriate written motion no later than fifteen (15) days before the expiration of the time.
7. This scheduling order takes precedence over all other such orders which may have been previously filed by this Court.

Upon failure of the parties to comply with this Order, the Court may in its discretion impose such penalties and invoke such sanctions as the circumstances warrant. The Court directs attention of the parties to the sanction of involuntary dismissal for failure to comply with pretrial instructions as provided by Federal Rule of Civil Procedure 41 (b).

SIGNED this 14th day of February, 2018.


JEFFREY C. MANSKE,
UNITED STATES MAGISTRATE JUDGE